

adjourn. Mayor Nielson adjourned the meeting at 11:25 a.m.


City Recorder Dorothy Jeffery


Mayor Grant S Nielson

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD DECEMBER 20, 1982

PRESENT:

Grant S Nielson
Don Bird
Max Bennett
Don Dafoe
Ruth Hansen
Willis Morrison

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

OTHERS PRESENT:

Vance Bishop
Warren Peterson
John Quick
Ray Valdez
Pat Davies
Jim Fletcher
Greg Nielson
Terry Higgs

City Administrator
City Attorney
City Engineer
City Building Inspector
City Clerk
KNAK Radio Station
Robison Hill
Driver's License Services

Mayor Nielson called the meeting to order at 7:04 p.m. and stated that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body and had been provided to the Millard County Chronicle, the Millard County Gazette and the local radio station KNAK, and to each member of the governing body by personal delivery of copies of the Notice and Agenda two (2) days prior to the meeting.

MINUTES

The minutes of a regular City Council meeting held December 13 and reconvened on December 14, 1982 were presented to the Council Members. Councilman Don Bird MOVED to approve the minutes as corrected. Council Member Don Dafoe SECONDED the motion, which carried unanimously.

AAG923

ACCOUNTS PAYABLE

City Administrator Vance Bishop presented the list of accounts to the Council Members. Councilman Don Bird MOVED and Council Member Max Bennett SECONDED a motion to pay the current bills. The motion carried unanimously.

FISCAL YEAR 1982 AUDIT: ROBISON & HILL, CPA

Greg Nielson of Robison and Hill, CPA firm, took the Council through the audit report for fiscal year 1982. The report also included a compliance audit as to Federal Revenue sharing funds. Mr. Nielson stated that, "we noted no instance of noncompliance with the regulations for the year ended June 30, 1982." Councilman Willis Morris MOVED to accept the audit report for the year ended June 30, 1982. Councilman Bennett SECONDED the motion, which carried unanimously.

SPACE REQUEST: DRIVER'S LICENSE DIVISION

Deputy Chief for Driver's License service, Terry Higgs, commented on a letter to the Mayor and City Council wherein the State Driver's License Division requests one additional day each week in the Delta City Hall for driver's license tests. He said that an effort is being made to find other facilities. Mr. Higgs mentioned that the Division is willing to bring in another telephone line. After discussion on the problems of the already crowded facilities, possible remuneration from the Division and terms of a lease, Councilman Bennett MOVED to give the State Driver's License Division a lease to use space in the City building 2 days a week, until February 28, 1983. Councilman Bennett further moved that the agreement would have to be renegotiated with fees charged, if the Division wished to continue in the City building after February 28. Councilman Dafoe SECONDED the motion, which carried unanimously. It was agreed that the building will be made available on Mondays and Fridays.

NORTHEAST ANNEXATION: DELTA ESTATES

City Administrator Vance Bishop informed the Council Members that the majority of the residents of Delta Estates desire to proceed with annexation of their property. Mr. Bishop said that the property owners would like to establish an improvement district to help pay for the water and sewer installation and that they propose to convey or transfer water rights to the City rather than pay a water dedication fee. Mr. Bishop proposed that the park dedication requirement be eliminated entirely from the annexation ordinance and also the subdivision ordinance and that an impact fee be assessed at the time a building permit is issued. There was discussion on impact, impact fees and how these are handled in other areas. Council directed Mr. Bishop and Mr. Peterson to prepare a proposal for Council's consideration. Discussed also was whether or not Delta Estates should be allowed to be annexed separately from the rest of the Northeast Annexation.

STREET VACATION REQUEST: MITCH TERRELL

City Attorney Warren Peterson reviewed the request from Mitch Terrell to vacate a street at 100 East and 400 South. Councilman Don Dafoe MOVED to adopt Resolution #82-82 entitled:

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF DELTA TO EXECUTE A QUITCLAIM DEED CONVEYING A VACATED PORTION OF FIRST EAST STREET LYING SOUTH OF FOURTH SOUTH STREET BETWEEN BLOCKS 5 AND 6, DELTA TOWNSITE PLAT "A" TO THE ABUTTING PROPERTY OWNERS ON THE WEST OF THE REMAINING PORTION OF SAID STREET.

Council Member Ruth Hansen SECONDED the motion and the Mayor called for a roll call vote. The motion was voted as follows:

Max Bennett	Aye
Don Bird	Aye
Don Dafoe	Aye
Ruth Hansen	Aye
Willis Morrison	Aye

ORDINANCE: ESTABLISHING MEETING SCHEDULE

After discussion, Councilman Willis Morrison MOVED to adopt Ordinance #82-51 entitled:

AN ORDINANCE AMENDING SECTION 3-501 OF THE REVISED ORDINANCES OF DELTA CITY (1981 Edition) AND ESTABLISHING THE DATES, TIMES AND PLACE FOR REGULAR MEETINGS OF THE CITY COUNCIL OF THE CITY OF DELTA, UTAH AND PROVIDING FOR CALLING OF SPECIAL MEETINGS OF THE CITY COUNCIL AND FOR PROCEDURES REGULATING THE CALLING OF SUCH MEETINGS.

Councilman Don Bird SECONDED the motion and the roll call vote was as follows:

Max Bennett	Aye
Don Bird	Aye
Don Dafoe	Aye
Ruth Hansen	Aye
Willis Morrison	Aye

CHEVRON CONTRACT FUEL AT AIRPORT

City Attorney Warren Peterson reviewed for Council a renewal contract from Chevron, U.S.A. Inc. The contract appoints Delta City as a dealer for Chevron aviation products and Chevron agrees to sell to Delta City aircraft fuel and related products. Attorney Peterson told the Members that the con-

AAG923

tract has been changed since the last one, in 1980, and that some of the stipulations in the contract would be impossible to meet. After discussion, Councilman Bird MOVED that the City Administrator and the City Attorney make the necessary changes in the contract and when acceptable, that the Mayor may sign it. Councilman Bennett SECONDED the motion, which carried unanimously.

VIDEO GAME ROOMS/BEER LICENSES

City Administrator Vance Bishop reviewed a request from Ted Harris to license an arcade (game room) in his restaurant. Mr. Harris now has a class "B" beer license, which allows beer to be purchased and consumed in Mr. Harris's restaurant. Mr. George Van De Vanter and Mr. Mike Van De Vanter were present to complain that they had requested the same type of license (on premise consumption), when they opened their business known as "Triple Quick". Everyone present agreed that these two uses should not be allowed together. City Attorney Peterson stated that the present ordinance does not address this problem. It was agreed that Mr. Peterson would prepare changes in the ordinance to keep beer consumption separate from arcades for presentation to the Council.

OTHER BUSINESS

Those present discussed the need for a traffic study in Delta to determine if traffic lights are warranted. Mr. Warren Peterson suggested that the City contact the Utah Department of Transportation for results of their traffic study previously performed and that a new study be conducted, if warranted.

City Engineer John Quick delivered a pay request from Steven L. Weaver on Phase II of the sewer improvement system. The amount due was \$70,537.96 for materials, manholes and installation. Mr. Quick stated that the request is in order and recommended payment. After discussion of the need for Steven L. Weaver Construction company to obtain insurance, Councilman Bird MOVED to make payment to S.L. Weaver Construction of \$70,537.96 contingent upon proof of adequate insurance. Councilman Dafoe SECONDED the motion, which carried unanimously. Superintendent Forster stated that the job has been stopped until evidence of current insurance is provided.

City Administrator Bishop informed those present that a representative from the State Tax Commission would be meeting with the County Commissioners Tuesday December 21 at 11:00 a.m. and that there would be an opportunity to ask questions on use tax, etc.

Mr. Bishop reported a meeting to be held December 21, at 4:00 p.m. by the County Commissioners between the Hospital Board and City officials and County Commissioners. It was determined that the Council Members could legally attend, if no official actions are taken.

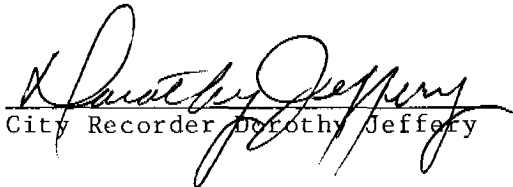
In answer to a question from the Mayor, Attorney Peterson reported that the deed on the property in the White Sage Development where the water storage tank is to be located has been recorded, and that the deed on the

Harrison Bunker property will be recorded on Tuesday. Mr. Peterson asked permission to obtain a title policy on the property received from IPA. He stated that after the title policy is obtained and approval of the system plans and specifications by the Utah Department of Health, the City will be ready to close the revenue bond with the Board of Water Resources. It was determined that the policy insurance should cover the value of the property. Mr. Quick stated that he thought all easements are in place for phase II of the water system.

The status of the Airfone lease at the airport was discussed. Mr. Bishop stated that Airfone has not done anything more with the project.

Attorney Peterson discussed possible litigation against the City threatened by Walt Limb for refusing to increase payment to Walt Limb Construction for what they spent on the sewer system, Phase I. Mr. Peterson also stated that Mr. Scott Chesley has filed a lawsuit against the City for damages incurred during a flood last summer and that the firm of Snow, Christensen and Martineau in Salt Lake City has answered the lawsuit as defense counsel under the City's liability insurance policy.

There being no further business, Councilman Bird MOVED and Councilman Dafoe SECONDED a motion to adjourn. The motion carried unanimously and the Mayor adjourned the meeting at 10:00 p.m.


City Recorder Dorothy Jeffery


Mayor Grant S Nielson

AAG923